



Wyoming Department of Education

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MEMORANDUM NO. 2010-009

TO: School District Superintendents
District Title III Directors
ELL Coordinators
District Title I Directors

FROM: David Holbrook, State Title III Program Manager
Federal Programs Unit

DATE: January 8, 2010

SUBJECT: Waiver request for AMAO 1 to US Department of Education

IMPORTANT DEADLINE: REQUEST FOR COMMENTS PLEASE RESPOND BEFORE END OF BUSINESS JANUARY 15TH

I am sending this memo to request feedback regarding the Wyoming Department of Education's Title III office plan to request of the US Department of Education a waiver for Annual Measureable Achievement Objective #1 (AMAO 1) for 2009-2010. This is a transition year between English Language Proficiency (ELP) assessments in which we are changing from WELLA to ACCESS for ELLs. AMAO 1 is a measure of English Language Learner (ELL) students' progress toward English proficiency.

Wyoming is requesting this waiver because of the reversal of guidance originally provided to Wyoming in June 2009, from Wyoming's the Title III Program Manager at the US Department of Education (USDE) in Washington D.C. More formal guidance provided in a letter to States at the end of December 2009, has reversed the decision in the original communication.

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Initially Wyoming was granted an exemption from making AMAO 1 determinations for the transition year between ELP assessments. The recent, more formal guidance, however, indicates that States must make an AMAO 1 determination for the transition year between ELP assessments unless it applies for and is granted a waiver of this requirement. Wyoming is requesting a waiver for AMAO 1 only. Title III funded Wyoming School Districts will still be held accountable for AMAO 2 and AMAO 3 determinations.

Background

For the 2009-2010 school year Wyoming has changed ELP assessments. The WELLA will no longer be administered. It has been replaced with the ACCESS for ELLs assessment. Title III in NCLB requires that State's hold districts accountable for meeting all three AMAOs. AMAO 1 measures are obtained by comparing the ELL student's current ELP assessment score with their most recent previous ELP assessment score. Scores from Wyoming's previous ELP assessment, the WELLA, cannot be validly compared to the current ELP assessment, the ACCESS for ELLs, without conducting a bridging study to determine if valid measures of progress are possible between the two assessments.

At the initiation of the move to a new ELP assessment, I contacted the US Department of Education and inquired if Wyoming would be required to conduct a bridging study and make AMAO 1 determinations for Title III funded districts for the 2009-2010. Guidance provided at that time (June 2009), indicated that Wyoming would not be required to conduct a bridging study and would not be required to make AMAO 1 determinations for the 2009-2010 school year. Districts were notified in August 2009, that AMAO 1 determinations would not be required for 2009-2010 because of the change in ELP assessments.

Based on the initial guidance from the US Department of Education, Wyoming neither included plans nor funding for a bridging study in its contract for the

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new ELP assessment. At this time, if we are required to make AMAO 1 determinations for the 2009-2010 school year, it is not possible to make those determinations until the middle of the 2010-2011 school year. This would negatively impact districts found to be in improvement status due to the current year's AMAO 1 determinations because notification of this could come well into the school year.

On December 29th, 2009, the US Department of Education sent a letter to States informing them that they are required to make AMAO 1 determinations during the transition year between ELP assessments. So, despite previous guidance to the contrary, WDE may be required to make AMAO 1 determinations for the 2009-2010 school year unless we are granted a waiver.

Comments Requested

I am currently in the process of drafting a request to the US Department of Education for a waiver of AMAO 1 determinations during the 2009-2010 school year. Part of the process of obtaining a waiver is to post a request for comments concerning the proposed waiver.

With this in mind, I am asking districts to send comments to me regarding whether your district is in favor of or opposed to the waiver requesting that Wyoming be exempted from making AMAO 1 determinations for the transition year between ELP assessments. The deadline for comments is Close of Business on January 15th, 2010. Comments are also welcome on any other issues related to this waiver request.

Thank you for your consideration in commenting on the proposed Title III waiver. Please send comments to Dr. David Holbrook at dholbr@educ.state.wy.us.